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EXAMINER

JERABEK, KELLY L

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 09/703,419

NOV 24 2006

Filing Date: November 01, 2000

Technology Center 2600

Appellant(s): COHEN ET AL.

Steve Cha
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/19/2006 appealing from the Office action
mailed 7/14/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon.

4,864,409	Platte et al.	9-1989
6,556,235	Saburi	4-2003
6,195,122	Vincent	2-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 6, 10, and 12-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Platte et al. US 4,864,409 in view of Saburi US 6,556,235.

Re claim 1, Platte discloses in figures 2 and 3 a video camera including an acceleration compensation apparatus. Platte mentions that portable (hand held) cameras have a risk of capturing adversely affected images due to inadvertent acceleration (shake) of the camera housing (col. 1, lines 14-20). It can be seen in figure 1A that the camera produces a video signal of a target (1) and the target (1) is scanned in only a desired field (2) (col. 2, lines 14-27). Therefore, the camera is provided with a wide field of view (1). It can be seen in figure 2 that the camera housing (3) includes

acceleration sensors (4,5) capable of continuously detecting relative movement between the camera and on object of interest (col. 2, line 47 – col. 3, line 19). The camera also has the capability of continuously electronically adjusting the camera without the use of a motor in response to the detected relative movement so as to maintain a desired framing and tracking of the object of interest within an image, for providing a stable image in event of an inadvertent acceleration of the camera housing (eg. Movement of a user's hand holding the camera) (col. 2, line 47- col. 4, line 7). Although Platte discloses all of the above limitations he does not distinctly disclose that the camera is capable of being integrated into telephone.

Saburi discloses in figures 1-3 a portable videophone unit. The portable videophone unit body (20a) is provided with a camera (22) for taking images (col. 3, lines 32-54). Captured images may then be transmitted to other devices (col. 5, lines 35-48). Therefore, it would have been obvious for one skilled in the art to have been motivated to integrate the camera including an acceleration compensation apparatus disclosed by Platte into hand-held telephone as disclosed by Saburi. Doing so would provide a means for allowing a user to transmit and receive images at a variety of locations (Saburi: col. 1, lines 6-9).

Re claim 4, the videophone disclosed by Saburi includes keys (23) that a user may press to perform certain functions (col. 3, lines 47-54). Therefore, the camera in the videophone is physically adjustable by a user.

Re claim 6, Platte states that voltages furnished by acceleration sensors (4) for x direction, (5) for y direction, are fed to a processor (8) which generates an address signal (Adr) and the address signal (Adr) controls the starting point (S) of the scanning raster of field (2) (col. 2, line 47-col. 3, line 19). Therefore, the camera has a solely electronically pan setting (corresponding to the voltage for the x direction) and an adjustable tilt setting (corresponding to the voltage for the y direction) performed without the use of a motor.

Re claim 10, Platte discloses a step of continuously electronically adjusting a camera based on an output of an orientation determination device (acceleration sensors 4,5) for detection relative movement between a camera and an object or interest caused by an inadvertent acceleration (eg. Movement of a user's hand) (col. 2, line 47 – col. 4, line 7).

Re claim 12, Platte states that the electronic adjustment of the camera (address signal for choosing the starting point S for raster scanning) may also be based on an output of an image processing operation applied to an image generated by the camera (col. 3, line 34-col. 4, line 7).

Re claim 13, Platte states that the electronic adjustment of the camera (address signal for choosing the starting point S for raster scanning) is based on an orientation

determination (acceleration sensors 4,5) and an image processing operation (scanning raster of field (2) (col. 2, line 47 – col. 3, line 19).

Re claim 14, see claim 1.

Re claim 15, see claim 1. The camera disclosed by Platte includes a processor (8) used to generate address signals based on voltage readouts of acceleration sensors (4,5) (col. 2, line 47 – col. 3, line 19). Therefore, it can be seen that the processor (8) of the camera includes a program for tracking an object of interest as disclosed in claim 1 above.

Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Platte et al. in view of Saburi as applied to claim 10 above and further in view of Vincent 6,195,122.

Re claim 11, Platte in view of Saburi includes all of the limitations of claim 1 above. However, the combination of the Platte and Saburi references does not disclose an orientation determination device such as a gyroscope

Vincent discloses in figure 1 a tracking data acquisition unit (105) attached to a video camera (120). As shown in figure 2, the tracking data acquisition unit (105) includes two gyroscopes (400, 410) for measuring the rotation of the camera along the x and y axes in order to determine the orientation of the camera (col. 6, lines 1-15).

Therefore, it would have been obvious for one skilled in the art to have been motivated to include the gyroscopes (400 and 410) for measuring the rotation of the camera as disclosed by Vincent in the portable videophone capable of tracking an object disclosed by Platte in view of Saburi. Doing so would provide a means for sensing all rotational motions of a video camera in order to determine the orientation of the camera and the distance to the object (Vincent: col. 2, lines 36-45).

(10) Response to Argument

On pages 9-10 of the brief, Appellant states that neither the Platte nor the Saburi reference teach or suggest "detecting relative movement between the hand-held device and the object of interest within a displayed image generated by said camera; and continuously electronically adjusting the camera, without use of a motor, in response to the detected relative movement, so as to maintain a desired framing of the object" as disclosed in independent claims 1, 14 and 15. The Examiner respectfully disagrees.

Platte discloses in figures 2 and 3 a video camera including an acceleration compensation apparatus. Platte mentions that portable (hand held) cameras have a risk of capturing adversely affected images due to inadvertent acceleration (shake) of the camera housing (col. 1, lines 14-20). It can be seen in figure 1A that the camera produces a video signal of a target (1) and the target (1) is scanned in only a desired field (2) (col. 2, lines 14-27). Therefore, the camera is provided with a wide field of view (1). It can be seen in figure 2 that the camera housing (3) includes acceleration sensors

(4,5) capable of continuously detecting relative movement between the camera and on object of interest (col. 2, line 47 – col. 3, line 19). **The Examiner acknowledges that the Platte reference discloses monitoring movement of the camera, and then employing correction factors to the starting point of image scanning to compensate for movement of the target image within the image field.** However, this feature reads on the claims as currently written. It can be seen in figures 1A-1C that if the image field (2) located within the target (1) is shifted due to a sudden movement of the camera housing the point (S) for the starting of the raster scanning is corrected so that the starting point (S) of the shifted image fields (2) in figures 1B and 1C is the same as the starting point (S) for the desired image field (2) of figure 1 (col. 2, lines 13-46). Therefore, it can be seen that the camera is continuously electronically adjusted without the use of a motor (shifting the starting point S of the raster deflection) in response to the detected relative movement (in response to the shift in the field (2)) so as to maintain a desired framing (the desired field 2 within the target 1 is being read as the framing) and tracking of the object of interest within an image, for providing a stable image in the event of an inadvertent acceleration of the camera housing (eg. Movement of a user's hand holding the camera) (col. 1, lines 33-67; col. 2, line 47-col. 4, line 7).

On pages 10-11 of the brief, Appellant states that the rejection of claim 11 is in error because the combination of the references fails to show the limitations cited in

independent claim 1 that appellants believe to be allowable. As a result the response above is also applicable to claim 11.

For the above reasons, it is believed that the rejections should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Respectfully submitted,

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